CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA
REGULAR MEETING

JULY 5, 2005

INVOCATION:
Pastor Carl Nielsen of Bethel Lutheran Church gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Trujillo led the pledge of allegiance.

CALL TO ORDER:
Mayor Lavagnino called the Regular Meeting of the City Council to order at 6:30 p.m.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Orach, Patino, Trujillo, and Mayor Lavagnino.

MEMBERS ABSENT:
Councilmember Mariscal.

STAFF MEMBERS PRESENT
City Manager Ness, Assistant City Manager Haydon, City Attorney Trujillo, Police Chief Macagni, Director of Administrative Services Snodgrass, Director of Utilities Chisam, Director of Community Development Lindsey, Fire Chief Ortiz, Director of Recreation and Parks Posada, Senior Civil Engineer Nybo, Solid Waste/Utilities Engineer Zhao, and Chief Deputy City Clerk Perez.

SINGING HANDS CHOIR
The Singing Hands Choir, a youth vocal group from Paso Robles ranging in age from 4 years to 8 years under the direction of Vikky Mullin, sang a medley of patriotic songs while also speaking in sign language.

PROCLAMATION – RECREATION AND PARKS MONTH
Councilmember Trujillo read a proclamation declaring the month of July as "Parks and Recreation Month" in the City of Santa Maria in conjunction with National Parks and Recreation Month, and encouraging citizens to enjoy and recognize the social, physical, mental, economic, environmental, and community benefits derived from taking part in the myriad of activities offered through recreation and leisure programs and services, which provide something of value to everyone. The proclamation was accepted by Rod Rodenberger and Sister Janet Corcoran, Recreation and Parks Commissioners.

PUBLIC COMMENT
Jim Christensen commended City Manager Ness, Assistant City Manager Haydon, and Director of Administrative Services Snodgrass for their prompt response to his concerns regarding the 2005/06 budget expressed in a Letter to the Editor last week and for taking the time to meet with him.

Ernest Armenta talked about the need for playground equipment at Atkinson Park, the difficulty of getting to St. Mary's Church from Miller Street between Main Street and Cook Street, and thanked YOYO for stepping up to the plate and donating funds for the fireworks display on the 4th of July.

Bob Ziener commended the Mayor, City Council, City Manager, and all the officers who were responsible for maintaining the peace during the Michael Jackson trial.

Nicholas Anderson spoke regarding substandard housing conditions at the Meridian apartment complex.

Sister Janet Corcoran commended Judge Melville, the Santa Maria Police Department, and the Santa Barbara County Sheriff's Department for their efforts during the Michael Jackson trial. She spoke about the need for affordable housing in Santa Maria and agreed with the increase in City Council salaries.

CONSENT CALENDAR
Councilmember Patino requested Item 3M be pulled for comment.

Item 3M – ABC License for Roca'e Sports Lounge.
Councilmember Patino asked what a Type 47 alcoholic beverage license was.

City Manager Ness explained that a Type 47 license was a hard liquor license which they had not been able to obtain. The license request before the Council was for beer and wine only. (It was later determined that the request before the Council was for a "Type 75" license, which is for brewery/pub, hard liquor and beer and wine. A hard liquor license is a "Type 47" license – which includes beer and wine. A "Type 75" license was the type noted and filed by the Council.)

Consent Calendar Items A through Q were approved with the indicated action on motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: Councilmember Mariscal
ABSTAIN: None

A. ORDINANCES
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar are adopted by the same vote cast at the first reading unless City Council indicates otherwise.

B. MINUTES
The Minutes of the Regular City Council Meeting of June 21, 2005, were approved as submitted.

C. RELEASE OF BONDS
Bonds posted in connection with North Preisker Ranch, Tract 5764, Phases 1, 3 & 5 were authorized for release including a Faithful Performance Bond in the reduced amount of $20,000 for the installation of public improvements for Phase 1, Unit 1; Faithful Performance Bonds totaling $315,649 for the construction and installation of public landscaping and irrigation for Phase 1, Unit 1; a Faithful Performance Bond in the amount of $202,829 for the construction and installation of public landscaping and irrigation for Phase 3, Unit 2; and a Faithful Performance Bond in the amount of $125,048 for the installation of boundary walls for Phase 5.

D. RELEASE OF BOND
A Faithful Performance Bond in the amount of $5,337.10 for the installation of street and easement trees posted in connection with Meyer "A" Street Business Center, Tract 5829 was authorized for release.

E. RELEASE OF BOND
A Faithful Performance Bond in the amount of $32,628.80 for the installation of street and easement trees posted in connection with Cherrywood Estates, Tract 5809 was authorized for release.

F. RELEASE OF BOND
A Faithful Performance Bond in the amount of $145,037 for the installation of boundary walls posted in connection with Crossroads Cottages 1, Tract 5812 was authorized for release.

G. RELEASE OF BOND
A Faithful Performance Bond in the amount of $35,000 for the installation of boundary walls with the order that the Contractor, Labor and Material Bond be held until January 2006 posted in connection with Betteravia Business Plaza, Tract 5826 was authorized for release.

H. CLASSIFICATION CHANGES
Resolution No. 2005-102 was adopted approving certain classification changes pursuant to the 2005-06 budget.

Resolution No. 2005-102 adopted. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING NEW CLASSIFICATIONS, RECLASSIFICATIONS, MODIFICATIONS TO SPECIFICATIONS, ADJUSTMENTS TO SALARY RANGES, AND ABOLISHING CLASSIFICATIONS.

Resolution No. 2005-113 was adopted amending the City's Conflict of Interest Code to reflect the classification changes.
Resolution No. 2005-113 adopted. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AMENDING APPENDIX "A" OF THE CONFLICT OF INTEREST CODE FOR DESIGNATED FILERS OF THE CITY OF SANTA MARIA.

I. WARRANTS
Warrant Nos. 120842 to 121209 in the amount of $2,316,823.74 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant Nos. 116779, 117494, 120193, 113189, 114068, and 114262, were cancelled.

J. PAYROLL
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads as shown on records on file in the Administrative Services Department and having been approved for payment by the Director of Administrative Services.

K. APPROPRIATION LIMIT
Resolution No. 2005-103 was adopted setting the City of Santa Maria's appropriation limit for the fiscal year July 1, 2005, through June 30, 2006, for purposes of complying with Proposition 4, Senate Bill 1352, and Proposition 11.

Resolution No. 2005-103 adopted. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, STATE OF CALIFORNIA, SETTING AN APPROPRIATION LIMIT FOR FISCAL YEAR JULY 1, 2005, THROUGH JUNE 30, 2006.

L. PARS PLAN
Resolution No. 2005-104 was adopted authorizing the adoption of an amendment to the City of Santa Maria's PARS Plan to comply with the California Domestic Partners Rights and Responsibilities Act.

Resolution No. 2005-104 adopted. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, STATE OF CALIFORNIA, AUTHORIZING AN AMENDMENT TO THE CITY OF SANTA MARIA'S PUBLIC AGENCY RETIREMENT SYSTEM TRUST AGREEMENT TO COMPLY WITH THE CALIFORNIA DOMESTIC PARTNERS RIGHTS AND RESPONSIBILITIES ACT.

M. ABC LICENSE
A Notice from the California Department of Alcoholic Beverage Control of an application for an Alcoholic Beverage License for Roca'e Sports Lounge located at 3546 Skyway Drive was noted and filed.

N. ABC LICENSE
A Notice from the California Department of Alcoholic Beverage Control of an application for an Alcoholic Beverage License in an existing warehouse (Central Coast Wine Warehouse) for Scott Cellars located at 2717 Aviation Way, E-40 was noted and filed.

O. ABC LICENSE
A Notice from the California Department of Alcoholic Beverage Control of an application for an Alcoholic Beverage License for Crossroads Mini-Mart located at 2358 Bradley Road was noted and filed.

P. NOTICE OF COMPLETION
The City Council accepted as complete the public improvements and approved the Notice of Completion for the Santa Maria Area Transit (SMAT) Maintenance and Operations Facility, Bid No. 2003/03.

Q. FOUR-WAY STOP
Resolution No 2005-105 was adopted approving the establishment of a four-way stop at the intersection of Western Avenue and Taylor Street.

Resolution No. 2005-105 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ESTABLISHING A FOUR-WAY STOP AT TAYLOR STREET AND WESTERN AVENUE PURSUANT TO SECTION 7-5.20 OF THE SANTA MARIA MUNICIPAL CODE.

ANNUAL ADJUSTMENTS TO ASSESSMENTS FOR THE FOUR LANDSCAPE MAINTENANCE DISTRICTS
Recreation and Parks Director Posada asked to respond to Mr. Armenta's comments regarding playground equipment at Atkinson Park. Atkinson Park will be undergoing a major renovation in conjunction with Allan Hancock College and new playground equipment would be installed as part of that renovation.

Recreation and Parks Director Posada gave the staff report. The adjustments proposed for fiscal year 2005-06 are based solely on the Consumer Price Index. These four Districts, and Special Benefit Zones, create a funding base to maintain retention basins, medians, round-a-bouts, street trees, public easement landscaping, and graffiti removal within each respective District. The landscape improvements and their associated maintenance provide a wide assortment of benefits to the parcels within a District and to those that are not a part of the District including community aesthetic enjoyment, increased property values and improved public safety from a regular tree-trimming program. State law requires that the City Council hold a public hearing annually on the subject of landscape maintenance district assessments. Where the City proposes no changes to an existing formula, the City Council complies with due process by holding a public hearing, determining that no majority protest exists, and adopting resolutions completing the assessment proceedings.

Mayor Lavagnino opened the public hearing.

Ernest Armenta asked what constituted a majority protest and how long a property owner had to protest. He said people should have the right to vote on these assessments.

City Attorney Trujillo explained that if 51 percent of the property owners within the Assessment District protested, that would be a majority protest.

Director of Recreation and Parks Posada explained that the City Council had begun this process over a month ago and the public hearing notice had been published in the newspaper.

Hearing no further testimony, the public hearing was closed.

On motion by Councilmember Orach, seconded by Councilmember Trujillo, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: Councilmember Mariscal
ABSTAIN: None

Resolution Nos. 2005-106, 2005-107, 2005-108 and 2005-109 were adopted.

Resolution No. 2005-106 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, CONFIRMING THE DIAGRAM AND ASSESSMENTS FOR THE SOUTH MILLER STREET/SOUTH COLLEGE DRIVE LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT, NO. DS-6.

Resolution No. 2005-107 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, CONFIRMING THE DIAGRAM AND ASSESSMENTS FOR THE NORTHWEST LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. DS-9.

Resolution No. 2005-108 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, CONFIRMING THE DIAGRAM AND ASSESSMENTS FOR THE NORTHEAST LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. DS-10.

Resolution No. 2005-109 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, CONFIRMING THE DIAGRAM AND ASSESSMENTS FOR THE SOUTHWEST LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. DS-11.

PUBLIC HEARING REGARDING WILLIAMS FEEDLOT ASSESSMENT DISTRICT NO. 96-1.

Director of Public Works Karp gave the staff report. The Williams Feedlot Assessment District was formed in 1996 to finance the purchase and cleanup of the Williams Feedlot which had operated at 2175 North Blosser Road since the 1960's. This year's annual assessment will be $17.16 per benefit unit, reduced from $17.67 per benefit unit last year. This is the ninth year of a ten-year assessment district.

Mayor Lavagnino opened the public hearing.

Ernest Armenta spoke about the people that lived in the area coming forward and agreeing to pay the costs to solve the problems caused by the Williams Feedlot. The property owners were happy that the assessment was decreasing and would be over next year.

Hearing no further comments, Mayor Lavagnino closed the public hearing.

Resolution No. 2005-110 was adopted ordering the assessments for Assessment District No. 96-1 on motion by Councilmember Patino, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: Councilmember Mariscal
ABSTAIN: None

Resolution No. 2005-110 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, CHANGING ASSESSMENT ROLL ASSESSMENT DISTRICT NO. 96-1 (WILLIAMS FEEDLOT).

RESOLUTION OF NECESSITY

Senior Civil Engineer Nybo gave the staff report. The widening of North Blosser Road has been planned for over ten years. Environmental documents were adopted for the projects in 1995 and 2000. The City's primary source of electricity, the PG&E high

voltage transmission line, is located on the west side of Blosser Road and any widening requires its relocation. PG&E has scheduled the relocation for Fall 2005. The subject properties consist of two parcels on the west side of North Blosser Road between Donovan Road and Taylor Street. Easement acquisition is necessary for the transmission line and also for the roadway from Cox Lane to Taylor Street. The two affected property owners have previously granted the necessary easements for other sections of North Blosser Road. Negotiations and discussions with the two property owners have been ongoing for over three months with no foreseeable end in sight. Adoption of the Resolution of Necessity will allow the PG&E transmission line relocation to proceed on schedule. Due to the close proximity of the PG&E poles to the existing roadway, this will increase safety for the traveling public.

Mayor Lavagnino asked if the Donovans and the Acquistapaces had been notified of the public hearing.

Senior Civil Engineer Nybo explained that the required individual 15-day notice had been sent to them; additionally, a public hearing notice had been published in the newspaper.

Councilmember Orach asked about the appraisal process.

Mr. Nybo explained that the appraisal was governed by state and federal law. The process that the City's appraiser used is the same process the property owners' appraiser would use and was based on recent sales in the area.

Councilmember Patino asked if the necessity to purchase this property had been discussed with the Donovans and the Acquistapaces when the City had purchased part of their properties previously for the Blosser Road Widening project.

Mr. Nybo explained that Mrs. Donovan had previously sold an easement to the developers of the North Preisker Ranch subdivision who was required to widen North Blosser Road as part of their development. The City did discuss the need for this property with Mr. Acquistapace previously.

Mayor Lavagnino opened the public hearing.

Ernest Armenta expressed concern regarding the use of eminent domain and said the City was going up against two very prominent citizens with a lot of support in the community.

Hearing no further testimony, Mayor Lavagnino closed the public hearing.

City Manager Ness advised the Council that adoption of the Resolution of Necessity did not preclude the City from continuing to negotiate with the property owners.

Resolution No. 2005-111 was adopted on motion by Councilmember Trujillo, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: Councilmember Mariscal
ABSTAIN: None

Resolution No. 2005-111 adopted. A RESOLUTION OF NECESSITY OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, TO ACQUIRE EASEMENTS IN REAL PROPERTY IN CONNECTION WITH THE NORTH BLOSSER ROAD WIDENING PROJECT; MAKE FINDINGS AND DETERMINATIONS; AUTHORIZE EMINENT DOMAIN PROCEEDINGS AND APPLICATIONS FOR POSSESSION PRIOR TO JUDGEMENT; DRAW AND DEPOSIT WARRANT (MILI ACQUISTAPACE, ET AL. APN 117-070-019; VIRGINIA DONOVAN TRUSTEE, APN 117-030-021).

COUNCIL SALARIES

City Manager Ness gave the staff report. At the June 21, 2005, City Council meeting, as part of the Council's deliberation on the City's budget, Councilmember Trujillo introduced a proposal to increase Council salaries. The Council directed staff to research the matter and bring back a proposal for increasing Council salaries by $120 per month. City Councils' salaries for General Law cities are set by the California Government Code based on population. Although Santa Maria is a Charter City, nothing in the City's charter deals specifically with setting of Councilmember's salaries. Councils in cities with populations the size of Santa Maria's (75,000 to 150,000) can earn $600 per month. However, that salary may be increased beyond the amount provided by an ordinance or an amendment to an ordinance not to exceed an amount equal to five percent for each calendar year from the operative date of the last adjustment of the salary. Ordinance No. 2001-15 became effective August 15, 2001, and raised Council salaries from $500 per month to $800 per month. The Mayor's salary was set at $250 per month above the salary set for Councilmembers. The increase of $120 per month was calculated by taking the current salary of $800 x 5% x 3 years.

Mayor Lavagnino commented that in San Luis Obispo, which is half the size of Santa Maria, the Mayor receives $1,100 and Councilmembers receive $900. In Santa Barbara, which is the same size as Santa Maria and soon to be smaller, the Mayor receives $3,775 and Councilmembers receive $3,020. He said the latest Grand Jury Report suggested the City consider full-time Councilmembers which would cost significantly more.

Councilmember Trujillo commented that Santa Barbara Councilmembers' salaries are almost three times more than Santa Maria's. Councilmembers attend a lot of meetings and social events, and spend more money than they make giving back to the community. In the future there may be people who would like to run for City Council but can't afford to because of the salaries.

Mayor Lavagnino indicated that the Councilmembers currently sitting on the Council do it to give back to the community, not for the money. He said he would serve as Mayor for nothing.

Councilmember Orach stated he had been on the Council since 1986 and in the past it was a struggle to get Council salaries to the level allowed by law. The Council should try to keep abreast of what is allowed to help encourage more people to run for office.

Mayor Lavagnino opened the public hearing.

Ernest Armenta stated he appreciated Mayor Lavagnino saying he would serve for nothing because he did it to give back to the community. He said he was not opposed to the increase if the Council felt it needed $120 more a month.

Hearing no further testimony, Mayor Lavagnino closed the public hearing.

Councilmember Patino said she thought it was really important that no one was put in the position of not running for City Council because they couldn't afford it. She said she would hate to see the Council go a while without a salary increase and then have to play catch up.

Ordinance No. 2005-08, adjusting City Council's salaries, was introduced by title only for first reading and continued to the next meeting for second reading and adoption on motion by Councilmember Patino, seconded by Councilmember Trujillo, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: Councilmember Mariscal
ABSTAIN: None

Ordinance No. 2005-08 introduced. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AMENDING TITLE 2, CHAPTER 2-2 OF THE SANTA MARIA MUNICIPAL CODE.

GROUNDWATER STIPULATION

Director of Utilities Chisam gave the staff report. The Santa Maria Valley Water Conservation District initiated the current groundwater litigation on July 14, 1997. The litigation has moved slowly through the courts and many legal proceedings have occurred. In July 2004, the City and the District reached a tentative settlement agreement. This action prompted Judge Komar to mandate another round of settlement discussions between the parties. The Stipulation would, in effect, settle the litigation between the stipulating parties. Those parties that refuse to sign the Stipulation would continue to litigate the case. The Stipulation contains language about the declaration of water rights and describes the physical solution that will maintain the health of the groundwater basin through monitoring and management. The Stipulation also provides a plan for response to severe water shortage conditions and new urban water uses within the Santa Maria Valley Management Area.

Mayor Lavagnino commended Director Chisam for all his efforts over the years in getting to this point. Director Chisam is not only a great negotiator, but everyone involved believed what he said. His service to the City in this matter will only be known in the future.

Councilmember Trujillo also commended Director Chisam. He said for the last year the Council had been discussing this matter in Closed Session and had been kept abreast of the negotiations taking place. This has been a long time coming and will be good for the City.

Councilmember Orach asked how much State water the City was importing now compared to the 10,000 acre feet required in the Stipulation.

Director Chisam replied that the City was importing as much as possible, usually about 13,000 to 14,000 acre feet per year.

Councilmember Orach also commended Director Chisam for his efforts on the City's behalf.

Councilmember Patino thanked Director Chisam for all his hard work. She asked what it meant for the parties who did not sign the Stipulation.

Director Chisam stated the City would continue to litigate with those parties that wouldn't sign the Stipulation, and it would be decided in court.

Ernest Armenta asked if Director Chisam could talk about the reasons for some of the parties not signing the agreement.

Director Chisam explained that the vast majority of landowners were going to sign the Stipulation Agreement, but there would be a few who wanted their day in court.

Resolution No. 2005-112 was adopted on motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: Councilmember Mariscal
ABSTAIN: None

Resolution No. 2005-112 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AUTHORIZING THE MAYOR TO SIGN THE STIPULATION FOR JUDGEMENT IN THE SANTA MARIA GROUNDWATER LITIGATION, LEAD CASE NUMBER CV 770214.

REPORT BY CITY MANAGER:
City Manager Ness reported on items for the July 19, 2005, City Council meeting including public hearings on the annual weed abatement assessments and revisions to the Sign Ordinance, as well as appointments to Boards and Committees and response to the Grand Jury Report.

Police Chief Macagni gave an overview of activities on the 4th of July. He said the activities leading up to the 4th of July were less than usual, but the activities on the 4th of July were about the same as usual. Over 200 pounds of illegal fireworks were confiscated, 34 misdemeanor arrests were made and 9 felony arrests were made. There were several fires related to fireworks that the Fire Department responded to. The Police Department responded to over 1,000 calls over the weekend, 150 related to fireworks complaints. The fireworks show at the Fairpark was very successful. Next year the Police Department would be continuing the same zero tolerance campaign against illegal fireworks.

Fire Chief Ortiz reported on the Highway 166 fires over the weekend and their effect on the City. At about 1:45 p.m. on Friday, July 1st, a fire broke out in the Los Padres National Forest near the Chiminaus Ranch area. The Forest Service established this fire as a full-scale operation from the onset. By mutual agreement, Preisker Park is designated as the base camp for operations in the Los Padres National Forest within this region. The Forest Service pays the City for this service. Unfortunately, this happened on a holiday weekend. The Recreation and Parks Department had to hustle to move patrons of Preisker Park to other locations in the City. The Forest Service vacated the Park by noon on the 4th, reopening the park to the public. Also during the weekend a second fire broke out on Highway 33 near Highway 166, but that was quickly put out. Under contract, the Santa Maria Fire Department provided management support to that incident.

Mayor Lavagnino thanked Recreation and Parks Director Posada and his staff for helping to relocate people from Preisker Park and thanked the Filipino Community for allowing one large group to use their facility.

Mayor Lavagnino asked City Manager Ness to clarify the City's involvement in the fireworks show at the Fairpark. He thanked Mr. Ness for taking it upon himself when the money was donated to make sure the fireworks show went forward.

City Manager Ness responded that the County Fair, in prior years, used to be over the 4th of July; and typically on that last day of the Fair, there was a fireworks display show. The City did not have anything to do with that. They moved the Fair off the 4th of July cycle about six years ago. The Fairpark continued to have the 4th of July celebration at the Fairpark and looked to the community for donations. The All-America City Committee stepped in and tried to create more energy, excitement, and festivities for that day and tried to make it a full day event. The Committee helped in the fundraising activities. The fireworks show costs around $15,000; and it has always been difficult to raise the money. The City's only participation is making a small donation through the Recreation and Parks Department or P.L.A.Y. of about $1,000 to help support the fireworks show. Several weeks ago the Fairpark manager and the Chamber of Commerce Executive Director decided they wanted to steer any money that was raised into the City's Centennial fireworks show in September. That decision was made independently. When the City found out about it, we stepped in to see what we could do. The YOYO organization in Orcutt made it very easy when they donated $15,000 to cover the cost of the show.

ORAL REPORTS OF COUNCILMEMBERS AND OFFICERS:
Councilmember Trujillo announced that he had been elected the Chairman of the Board of the Central Coast Water Authority. It was a unanimous vote including representatives from Montecito, Santa Barbara, Goleta, Carpenteria, Buellton, Solvang, and Guadalupe.

Councilmember Orach thanked City Manager Ness for his efforts with the fireworks show. People complained about not having a fireworks show and have complained

about the short duration of the show in recent years. The fireworks shells are very expensive. Anybody who wants to donate to next year's show, the City will set up a fund and accept donations to be forwarded to the Fairpark for a fireworks display next year. He commended John Glines and YOYO for stepping up and donating those funds.

Councilmember Orach stated at College and Bradley, the railroad hardware has been removed. There is now curbs, gutters, and handicapped access ramps, but the tracks are still in the middle of the roadway. He asked when the tracks would be removed and the area paved.

Councilmember Patino thanked YOYO for coming forward so the people in Santa Maria could have the fireworks display. People were pointing their fingers at the City of Santa Maria; and historically, the City has not been involved.

Mayor Lavagnino also thanked John Glines and YOYO. He said the problem was that they were willing to put up the money, but there had to be an operator and the shells. That was not an easy thing to come by. He thanked City Manager Ness and Terri Lee Coleman from the Fairpark who put the show together in one day.

CLOSED SESSION:
The City Council recessed to a Closed Session at 8:47 p.m. for the following: Conference with Legal Counsel regarding existing litigation pursuant to Subsection (a) of Government Code Section 54956.9 to discuss Santa Maria Valley Water Conservation District v. City of Santa Maria; and Conference with Legal Counsel regarding Liability Claim pursuant to Subsection (b) of Government Code Section 54956.95 of claimant Jose Venegas against City of Santa Maria.

After the Closed Session, the following was announced:

Santa Maria Valley Water Conservation District v. City of Santa Maria – Status report. No reportable action.

Liability Claim for Venegas – Direction to staff.

ADJOURNMENT
There being no further business to come before the City Council at this time, the meeting was declared adjourned at 9:13 p.m. by order of Mayor Lavagnino.

APPROVED

July 19, 2005
Date

Patricia Adkins
Chief Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council

ATTEST: Patricia Adkins
Chief Deputy City Clerk

S. S. Lavagnino
Mayor of the City of Santa Maria